

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAVIER LUNA, #M-04122,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 10-cv-0437-MJR-SCW
)	
WEXFORD MEDICAL STAFF,)	
DR. OBADINA, WEXFORD MEDICAL)	
STAFF NURSES, and UNKNOWN)	
PARTY C/O WING OFFICER,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

REAGAN, District Judge:

This action comes before the Court upon review of the file. On March 14, 2011, this Court issued a Notice of Impending Dismissal (Doc. 13), giving Plaintiff until April 1, 2011, to provide additional information on unknown Defendants Wexford Medical Staff, Wexford Medical Staff Nurses, and Unknown Party C/O Wing Officer, all named in Count 1, in order to obtain service on these Defendants.¹ In a separate Notice of Impending Dismissal (Doc. 14), Plaintiff was given until April 8, 2011, to provide additional information on Defendant Dr. Obadina in order to obtain service on him. Both Notices warned Plaintiff that failure to provide the requested information would result in the dismissal of this case.

Plaintiff has not provided any further information to the Court on any of the above Defendants, and his deadlines have now passed.

¹Count 2 of the complaint, alleging an equal protection violation, was dismissed with prejudice on March 11, 2011 (Doc. 12).

Accordingly, the Court **DISMISSES** this action against Defendants Wexford Medical Staff, Dr. Obadina, Wexford Medical Staff Nurses, and Unknown Party C/O Wing Officer **without prejudice**, for Plaintiff's failure to prosecute. FED. R. CIV. P. 41(b).

This dismissal shall not count as one of Plaintiff's allotted "strikes" under 28 U.S.C. § 1915(g). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed; thus, the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998).

The Clerk shall **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED this 23 day of May, 2011

/s/ MICHAEL J. REAGAN

MICHAEL J. REAGAN

United States District Judge